



PATENT  
Customer No. 22,852  
Attorney Docket No. 07738.0147-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Grant E. DUBOIS et al. ) Group Art Unit: 1761  
Application No.: 09/838,809 ) Examiner: C. Paden  
Filed: April 20, 2001 )  
For: NON CALORIC FROZEN ) Confirmation No. 3526  
CARBONATED BEVERAGE )

**MAIL STOP RCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**AMENDMENT AND REPLY TO OFFICE ACTION**

In furtherance of the Request for Continued Examination filed concurrently herewith, and in response to the final Office Action dated August 19, 2004, the period for response having been extended by the three (3) month petition for extension of time and fee filed herewith, please amend the above-identified application, without prejudice, as follows:

**Amendments to the Specification** begin at page 2 of this paper.

**Amendments to the Claims** follow the Amendments to the Specification.

**Remarks** follow the Amendment Sections of this paper.

**Attachments** to this amendment include:

**Exhibit A** – Copy of the claims as originally filed  
**Exhibit B** – Declaration under 37 C.F.R. § 1.131